

The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, January 13, 2015, at Westfield City Hall. Members present included Randy Graham, Martin Raines, Ron Rothrock and Bill Sanders. Also present were Jesse Pohlman, Senior Planner; Kevin Todd, Senior Planner; and, Brian Zaiger, City Attorney.

### **ELECTION OF OFFICERS**

Raines moved to postpone the election of officers until the next Board meeting.

Graham seconded, and the motion passed by 4-0 vote.

### **APPROVAL OF MINUTES**

Rothrock moved to approve the November 11, 2014, minutes.

Graham seconded, and the motion passed by 4-0 vote.

Pohlman reviewed the Public Hearing Rules and Procedures.

### **NEW BUSINESS**

#### **1412-VS-15**

(PUBLIC HEARING)

#### **West of Eagletown Road and North of 166<sup>th</sup> street**

*Yan Guenette by JD Hall Land Surveying*

The petitioner is requesting Variances of Standard to: (i) not require the Subdivision process (Article 10.12); and (ii) reduce the Minimum Lot Frontage requirement in the AG-SF1: Agriculture/Single-Family Rural District (Article 4.2(D)).

Todd presented an overview of the requested Variance of Standard to not require the Subdivision process (Article 10.12) and reduce the Minimum Lot Frontage requirement in the AG-SF1 District.

Yan Guenette, on behalf of the petitioner gave an explanation of the proposed improvements for a single-family home.

Sanders asked to confirm that the width of the access easement was twenty (20) feet and where the clay tile drains to currently, before the construction of the pond.

Guenette confirmed the access easement was twenty-feet wide and that the clay tiles would allow the site to drain to the south and back to the northwest through the adjacent property. There is not a regulated drain in this area, so the County Surveyor's Office does not regulate the drainage in this area.

Raines inquired how many parcels currently exist and how the home would be oriented.

Guenette explained it is currently two parcels, but they would be combined into one parcel if the

petition were to be approved. The planned home would face to the northeast.

Public Hearing opened at 7:10 p.m.

Todd distributed two written comments from neighbors to the Board for their review.

David Beck, 2122 West 166<sup>th</sup> Street; Commented he owns the property located immediately south of the property being discussed. He stated that other options for this property would be a sale with another existing property and years ago it was offered at a reasonable price, but they were not looking to acquire the property. He said he understands the property will likely be developed but drainage is a problem for surface and storm water in this area and there is a problem currently with standing water due to it not having anywhere else to drain. If this variance would be approved, then he would like to at least have grading added to help give his property some relief from standing water because the clay tile that has been talked about has been compromised since there is a sinkhole on the edge of the property which is right where the clay tile would be located.

John Donaldson, 16736 Eagletown Road; Commented he has a problem with drainage and the little pond is not going to take care of the water issue. If a home is built on the property, then it will just cause more problems and some type of drainage has to be completed before any kind of construction can happen. He said the previous owner had the drainage go east to Little Eagle Creek which causes the drainage system to go the wrong direction. He asked that this variance be continued until the drainage issue is resolved.

Public Hearing closed at 7:17 p.m.

Rothrock motioned to approve 1412-VS-04 with the condition that the two (2) existing parcels be legally combined into a single parcel prior to the issuance of an improvement location permit.

The motion died due to a lack of second.

Graham motioned to deny 1412-VS-04.

Sanders seconded, and the motion passed 3-1 (Rothrock).

Graham moved to adopt the staff report's recommended findings of fact for denying the petition.

Sanders seconded, and the motion passed 4-0.

**1501-VU-01**

**180 S Cherry Street**

(PUBLIC HEARING)

*David Koone*

The petitioner is requesting a Variance of Use to allow a Construction Trade Office (lawn care business) in the LB-H: Local Business/Historical District (Chapter 13: Use Table).

Pohlman presented an overview of the requested Variance of Use to allow a Construction Trade Office (lawn care business) the LB-H District.

Mary Solada, Esq., Bingham, Greenebaum, Doll, LLP on behalf of the petitioner, presented additional details regarding the requested variance of use and noted the petitioner was unable to attend the hearing because of mandatory out-of-town training by Lawn Doctor for his new franchise.

Graham inquired about the storage of fertilizers and other chemicals on the property.

Solada responded the current property owner has informed them that the property has not flooded since he has owned the property and that Mr. Koone has been working with the Department and the Fire Marshal to ensure the property complies.

Pohlman responded the Department has communicated with the Fire Marshall to ensure the property complies with all federal and state regulations, but that determination will be made prior to the operation of the use, if approved by the Board. If the property is able to comply with storage regulations, then the storage will be permitted; otherwise, no storage of regulated fertilizers or chemicals would be permitted on the property.

Public Hearing opened at 7:39 p.m.

No public comment.

Public Hearing closed at 7:40 p.m.

Graham motioned to approve 1501-VU-01 with the Department's recommended conditions:

1. There shall be no outdoor storage on the Real Estate.
2. There shall be no outdoor overnight parking of vehicles and/or equipment on the Real Estate.
3. The Construction Trade Office use shall be limited in scope to a lawn care business. Any expansion or substantial alteration to the scope and operation of the use, as determined by the Director shall require approval by the Board of Zoning Appeals.

Sanders seconded, and the motion was passed 4-0.

Raines moved to adopt the Staff's recommended findings of fact for approval.

Graham seconded, and the motion passed 4-0.

**REPORTS/COMMENTS**

**APC LIASON:**

No report.

**EDC STAFF:**

Pohlman introduced Pamela Howard, a planner with the Department.

The meeting adjourned at 7:45 p.m.

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Chairperson  
Dan Degnan

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Secretary  
Matthew Skelton, Director